

invention because Claims 4 and 6 are anticipated by Boyle et al. However, the Office has provided no reasons whatsoever in support of its conclusion. Applicants respectfully traverse the Restriction Requirement on the ground that unity of invention does exist between Groups I-II because there is a technical relationship that involves the same special technical feature. It is this technical feature that defines the contribution which each of the Groups, taken as a whole, makes over the prior art.

Applicants further traverse the Restriction Requirement on the ground that the Office has failed to follow MPEP guidelines for making a lack of unity of invention requirement between restricted Groups. MPEP §1893.03(d) states:

“When making a lack of unity of invention requirement, the Examiner must (1) list different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.”

The Examiner has not explained why each group lacks unity with each other group and has not specifically described the unique special technical features in each group to justify the conclusion of a lack of unity of invention. Accordingly, Applicants respectfully submit that the present Restriction Requirement is improper, and that the Restriction Requirement be withdrawn.

Applicants traverse that Restriction Requirement on the additional ground that the Office has not applied the same standard of unity of invention as the International Preliminary Examination Authority. The Authority did not take the position that unity of invention was lacking in the International application and examined all claims together. Applicants note that PCT Article 27(1) states that no national law shall require compliance with requirements relating to the form and contents of the International application different from or additional to those which are provided for in the Patent Cooperation Treaty and the Regulations.

Moreover, the MPEP in §803 states as follows:


“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. In fact, the International Searching Authority has searched all of the claims together.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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